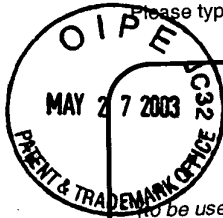


Please type a plus sign (+) inside this box → ☐

TRANSMITTAL FORM

Do not be used for all correspondence after initial filing)

| | |
|------------------------|-----------------|
| Application Number | 09/868,961 |
| Filing Date | June 22, 2001 |
| First Named Inventor | Hassan JOMAA |
| Group Art Unit | 1626 |
| Examiner Name | D. Lambkin |
| Attorney Docket Number | 40770-000142/US |

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form☒ Fee Attached☒ Amendment☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Letter to the Official Draftsperson and () Sheets of Formal Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to Group☐ LETTER SUBMITTING APPEAL BRIEF AND APPEAL BRIEF (w/clean version of pending claims)☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s) (please identify below):

RECEIVED

MAY 29 2003

TECH CENTER 1600/2900

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Harness, Dickey & Pierce, P.L.C.

Attorney Name
Amy L. MillerReg. No.
43,804

Signature

Date

May 27, 2003

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2003

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 205.00

Complete if Known

Application Number 09/868,961

Filing Date June 22, 2001

Inventor(s) Hassan JOMAA

Examiner Name D. Lambkin

Group / Art Unit 1626

Attorney Docket No. 40770-000142/US

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit
Account
Number

08-0750

Deposit
Account
Name

Harness, Dickey & Pierce, P.L.C.

- ☒ Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status.
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money
Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------------|-----------------------|----------------------|-----------------------|------------------------|----------|
| 101 | 750 | 201 | 375 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 520 | 207 | 260 | Plant filing fee | |
| 108 | 750 | 208 | 375 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1)

(\$ 0)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|-----------------|-------------------|-------------|
| 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 |

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description |
|----------------------|-----------------------|----------------------|-----------------------|--|
| 103 | 18 | 203 | 9 | Claims in excess of 20 |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 |
| 104 | 280 | 204 | 140 | Multiple dependent claim, if not paid |
| 109 | 84 | 209 | 42 | ** Reissue independent claims over original patent |
| 110 | 18 | 210 | 9 | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$ 0)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

| Fee Code | Large Entity Fee (\$) | Fee Code | Small Entity Fee (\$) | Fee Description | Fee Paid |
|-------------|--------------------------------|-------------|--------------------------------|--|-------------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet. | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 410 | 216 | 205 | Extension for reply within second month | 205 |
| 117 | 930 | 217 | 465 | Extension for reply within third month | |
| 118 | 1,450 | 218 | 725 | Extension for reply within fourth month | |
| 128 | 1,970 | 228 | 985 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,300 | 241 | 650 | Petition to revive - unintentional | |
| 142 | 1300 | 242 | 650 | Utility issue fee (or reissue) | |
| 143 | 470 | 243 | 235 | Design issue fee | |
| 144 | 630 | 244 | 315 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions to the Commissioner | |
| 123 | 50 | 123 | 50 | Processing fee under 37 CFR 1.17 (q) | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per property (times number of properties) | |
| 146 | 750 | 246 | 375 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 750 | 249 | 375 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 750 | 279 | 375 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 205.00)

SUBMITTED BY

Complete (if applicable)

| Name (Print/Type) | Amy L. Miller | Registration No. Attorney/Agent) | 43,804 | Telephone | 703-668-8000 |
|-------------------|---------------|----------------------------------|--------------|-----------|--------------|
| Signature | | Date | May 27, 2003 | | |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/868,961
Filing Date: June 22, 2001
Applicant: Hassan Jomaa
Group Art Unit: 1626
Examiner: D. Lambkin
Title: USE OF BISPHOSPHONATES FOR THE PREVENTION
AND TREATMENT OF INFECTIOUS PROCESSES
Attorney Docket: 40770-000142/US

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

May 27, 2003

AMENDMENT AND PETITION FOR EXTENSION OF TIME

Sir:

This Amendment is submitted in answer to the Office Action dated December 24, 2002, which set a three month period for response. Applicant hereby petitions under the provisions of 37 C.F.R. §1.136(a) for a two month extension of time for which to respond to the outstanding Office Action, thereby extending the date for response from March 24, 2003 to May 27, 2003 (May 24, 2003 being a Saturday, May 25, 2003 being a Sunday, and May 26, 2003 being a holiday within the District of Columbia). The fee as set forth in 37 C.F.R. §1.17(a) for such an extension of time is attached to this Amendment.

Amendments to the claims begin on page 2.

Remarks begin on page 10.